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Plaintiffs and Certain Non-Ignition Switch
Plaintiffs in the MDL Court*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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	:	
In re:	:	Chapter 11
MOTORS LIQUIDATION COMPANY, et al.,	:	Case No.: 09-50026 (MG)
f/k/a General Motors Corp., et al.,	:	
	:	
Debtors.	:	(Jointly Administered)
-----X	:	

**MOTION PURSUANT TO 11 U.S.C. § 107(B), FED. R. BANKR. P. 9018, AND
LOCAL BANKRUPTCY RULE 9018-1 FOR AN ORDER AUTHORIZING
FILING UNDER SEAL CERTAIN DOCUMENTS IN SUPPORT OF THE
ECONOMIC LOSS PLAINTIFFS' REPLY IN SUPPORT OF RULE 23(E) MOTION**

The Economic Loss Plaintiffs¹ hereby moves this Court pursuant to Section 107(b) of Title 11 of the United States Code (as amended, the “**Bankruptcy Code**”), Rule 9018 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and Rule 9018-1 of this Court’s Local Rules (“**Local Rules**”) for an order authorizing filing under seal certain exhibits (the “**Subject Materials**”) to their Reply in Support of the Rule 23(e) Motion (“**Reply**”) being filed today, March 8, 2019 (the “**Motion**”).

In support of the Motion, Economic Loss Plaintiffs state as follows:

I. GROUND FOR SEALING.

1. Section 107(b) of the Bankruptcy Code provides that “[o]n request of a party in interest, the bankruptcy court shall . . . protect an entity with respect to a trade secret or confidential research, development, or commercial information” 11 U.S.C. § 107(b). Bankruptcy Rule 9018 establishes the procedure by which a party in interest may obtain an order authorizing the filing of a document under seal pursuant to Section 107(b) of the Bankruptcy Code, and provides that “[o]n motion or its own initiative, with or without notice, the court may make any order which justice requires (1) to protect the estate or any entity in respect of a trade secret or other confidential research, development, or commercial information” Fed. R. Bankr. P. 9018; *see also* Local Rule 9018-1.

2. In support of their arguments in the Reply, the Economic Loss Plaintiffs have attached as exhibits the Subject Materials.

¹ Capitalized terms not otherwise defined herein shall have the meanings given to them in *The Economic Loss Plaintiffs’ Motion to: (1) Extend Bankruptcy Rule 7023 to These Proceedings; (2) Approve the Form and Manner of Notice; (3) Grant Class Certification for Settlement Purposes Upon Final Settlement Approval; (4) Appoint Class Representatives and Class Counsel for Settlement Purposes; and (5) Approve the Settlement Agreement By and Among the Signatory Plaintiffs and the GUC Trust Pursuant to Rule 23* [ECF No. 14408] (the “**Rule 23(e) Motion**”).

3. The Subject Materials have been designated, or contain information that has been designated, as “Confidential” or “Highly Confidential” pursuant to a protective order (attached hereto as **Exhibit A**) entered by the Hon. Jesse M. Furman on September 10, 2014 (the “**MDL Protective Order**”) in *In re General Motors Ignition Switch Litigation*, 14-MD-2543 (JMF) (S.D.N.Y.) (the “**MDL Action**”).

4. The MDL Protective Order states, in relevant part, that “[a]ny Party wishing to file a document or paper containing Confidential or Highly Confidential Information may request by motion that such Information be filed under seal.”

5. Certain of the Subject Materials have already been filed under seal in the MDL Action pursuant to the MDL Protective Order.

6. Accordingly, the Economic Loss Plaintiffs are required to file the Subject Materials under seal, and thus by this Motion seek entry of an order authorizing them to do so.

II. IDENTITY OF ANY PARTIES OTHER THAN THE MOVING PARTY WHO WILL HAVE ACCESS TO THE DOCUMENTS TO BE SEALED.

7. The Economic Loss Plaintiffs request that access to the Subject Materials be limited to Court personnel and counsel to the Economic Loss Plaintiffs, GUC Trust, and New GM (each as defined in the Rule 23(e) Motion).

III. DURATION OF SEAL.

8. The Economic Loss Plaintiffs request that the Subject Materials remain sealed and confidential pending further order of the Court.

IV. TIME WHEN THE MOVANT WILL EITHER UNSEAL THE DOCUMENTS OR RETRIEVE THE DOCUMENTS AT THE CONCLUSION OF THE MATTER.

9. In the event the Subject Materials have not been unsealed by further order of the Court, Economic Loss Plaintiffs will retrieve the Subject Materials at the conclusion of proceedings relating to the Proposed Settlement (as defined in the Reply).

V. PROPOSED ORDER.

10. A form of proposed order that contains language indicating the order is without prejudice to the rights of any party in interest, or the United States Trustee, to seek to unseal the documents, or any part thereof, is attached here as Exhibit B.

VI. UNREDACTED COPY OF SUBJECT MATERIALS.

11. Economic Loss Plaintiffs will hand deliver a copy of this Motion and the unredacted version of the Subject Materials to the Chambers of the Honorable Martin Glenn.

CONCLUSION

WHEREFORE, the Economic Loss Plaintiffs respectfully request that the Court grant the Motion pursuant to Bankruptcy Code Section 107(b), Bankruptcy Rule 9018, and Local Rule 9018-1; enter the Proposed Order substantially in the form attached as Exhibit B; and grant other such relief as the Court deems appropriate.

Dated: March 8, 2019
New York, New York

Respectfully submitted,

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